

13.03.2024
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allowed

CRM(DB) No. 792 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kharagpur (Town) Police Station Case No. 502 of 2023 dated 06.11.2023 under Sections 498A/302/304B/34 of the Indian Penal Code read with Sections 3/4 of Dowry Prohibition Act.

And

In Re : D. Bhaskar petitioner

Mr. Amit Ranjan Pati
Ms. Swastika Chowdhury

....for the petitioner

Mr. Avishek Sinha

.... for the State

1. Learned Counsel for the petitioner submits he is the brother-in-law of the victim lady. He is not the principal accused. He is in custody for 127 days. Investigation is complete. Accordingly he prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits petitioner used to reside with the couple. He tortured the victim lady who was murdered by her husband.

3. We have considered the materials on record. Statements of witnesses show petitioner participated in the torture. However, victim was murdered by her husband. In view of extent of complicity of the petitioner in the crime and as investigation is complete and there is no chance of abscondence, we are inclined to grant bail to the petitioner.

4. Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Kharagpur, Paschim Medinipur, subject to conditions that petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

5. In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

6. The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)